City of Seattle

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Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2206134

Applicant Name: Tom Rosling for Seattle Department of Parks and Recreation

Address of Proposal: 9000 Seward Park Avenue South

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit for future construction of two (2) floating piers for boat launch and reconfiguration of parking area for 51 vehicles (33 boat trailer stalls and 18 vehicle stalls). Project includes removal of three existing stationary piers and grading of 800 cubic yards (350 cubic yards of cut and 450 cubic yards of fill).

The following approvals are required:

Shoreline Substantial Development Permit and Shoreline Conditional Use Permit - To repair and expand an existing boat ramp and launch facility in the Conservancy Recreation (CR) Shoreline Environment. (Seattle Municipal Code 23.60.020A, 23.60.030, 23.60.034, 23.60.365 C, 1, b).

SEPA - To impose conditions. Chapter 25.05, Seattle Municipal Code. (DNS prepared by Seattle Department of Parks and Recreation)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions*

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

*Mitigated determination of non-significance issued by the Seattle Department of Parks and Recreation.

BACKGROUND DATA

Site Location and Description

The proposal site is located at 9000 Seward Park Avenue South at the Seattle Parks and Recreation Department's Atlantic Street Boat Ramp on the west shore of Lake Washington, south of Beer Sheva Park. The site is rectangular in shape with the long axis of the northern portion of the site running approximately 780-ft. between the another parcel of parks department property and the southern portion of the property running approximately 765-ft bordering the Park Shore Villa Condominiums and Park Shore Marina. The shoreline portion of this site is approximately 285-ft. in length.

Zoning

Single Family 5000 (SF 5000) with the Conservancy Recreation (CR) Shoreline Master Program designations for the portion of the parcel that is in the shoreline district.

Area Development

North:	Atlantic Street Boat Ramp, SF 5000, CR zone
East:	Lake Washington
South:	Condominiums and a marina, NC2-30 Conservancy Management (CM) Shoreline zone
West:	Seward Park Avenue South

Proposal Description

The applicant proposes to upgrade the existing boat ramp and parking lot. There are several components of the project, these components are described below:

The existing concrete boat ramp is supported by approximately seventy-four (74) timber piles. The concrete ramp will be removed and timber piles will be completely removed, if possible, the piles that cannot be removed will be cutoff at the mudline. The new ramp will be concrete and supported by steel pipe piles with steel pile cap and timber beams. The new ramp will decrease from one-hundred-sixty-one (161) feet wide to ninety-eight (98) feet wide, with two (2), ten (10) ft wide by ten (10) ft wide rip rap edges providing forty-one (41) feet of potential additional nearshore habitat. The interstitial spaces in the rip rap will be filled with two to three inch minus washed gravel below the ordinary low water line with soil amendments and native plants above it. A total of sixty (60) cubic yards of rip rap will be installed.

The length of ramp, extending from the normal summer high water elevation of eighteen and three quarters (18.75) feet (NAVD 88), will be increased from approximately forty (40) feet to approximately forty-five (45) feet in length. The existing ramp length is too short, resulting in damage and safety issues with trailer use. The length will be increased to achieve a minimum of four (4) feet water depth at the end of the ramp during the lowest water levels. This will include

extending the ramp approximately five (5) feet farther out into the water. To prevent boaters from running their trailers off the end and sides of the new ramp, a one foot by one foot curb at the end of the ramp and a two foot wide by two inch high rumble strip along the edges of the ramp will be installed.

The three existing fixed piers consist of timber decking with eighteen (18) timber piles associated with the fixed pier. Each pier is six (6) feet wide by forty (40) feet long. Piles will be completely removed if possible and the piles that cannot be removed will be cutoff at the mudline. The fixed piers will be removed. The three piers will be replaced with two; fixed pier, ramp and float structures. Each fixed pier will be seven (7) feet long and eight (8) feet wide with fully grated decking that will allow fifty percent light penetration. Each of the two fixed piers will be supported by two steel piling. The fixed piers will be connected to the floats by two ramps that are seven (7) feet wide and forty-eight (48) feet long with decking that is fully grated. The proposed floats begin at the end of the proposed ramp, approximately 50 feet offshore. Each float is proposed to be eight (8) feet wide and fifty-six (56) feet long and will have a six (6) foot wide grated strip that will be placed down the middle of the deck of the float. Eight feet of each ramp structure will overlap each float. There will be twelve (12) new above-grade pilings for the fixed pier and floats and there will be fifty (50) new piling to support the ramps.

All proposed grating will be manufactured specifically for this project to allow a minimum of 50 percent light penetration while still meeting requirements of the Americans with Disabilities Act (ADA).

The current overwater coverage is 720 square feet. The new fixed pier, ramp, and float structures will cover a total of 1,414 square feet, with an effective overwater coverage of 1,006 square feet. The effective overwater coverage measurement factors in grated decking, which allows 50 percent light penetration through its surface.

The current boat launching and retrieval capacity of the boat ramp facility is 6 boats during low water, which occurs during the winter. The new boat ramp facility will increase this capacity to 8 boats during low water and at high water, which occurs in the summer the capacity will be 12 boats.

All of the shoreline between the south edge of the proposed boat ramp and property line of the adjacent marina would be restored with native riparian plants.

The project will include post-construction monitoring for shoreline vegetation, riprap stability and fish migration. The monitoring plan is included in Appendix A.

The proposed use remains as a recreational boat ramp, which includes 2.28-acre land portion and a 3.72 acre submerged portion in Lake Washington.

Public Comment

Three comments were received during the comment period, which ended on March 21, 2003. One commenter expressed that the he felt the money should be spent on swimming pools or some thing else that would benefit children. One commenter expressed concern that because the project was decreasing the number of piers at the site that the capacity of the boat launch facility would decrease. And one commenter expressed support of the project.

Addressing the above comments:
The comment regarding spending the money on a project that would benefit children was forwarded to the Seattle Department of Parks and Recreation. DPD does not allocate funding for projects.

The comment regarding reducing the capacity of launching and retrieving boats; the capacity of the boat launch facility will increase because the two new piers will be longer than the three existing piers.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

A. The policies and procedures of Chapter 90.58 RCW

B. The regulations of Chapter 23.60; and

C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy aims to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. The Regulations of Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004, meets the development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

The site is classified as a waterfront lot (SMC 23.60.924). The shoreline designation for the site is Conservancy Recreation (CR) (SMC 23.60.220 and 23.60.360). Boat launching ramps for auto-trailered boats are permitted as a conditional use in the Conservancy Recreation Shoreline Environment. This approval is evaluated in the Analysis – Shoreline Conditional Use section of this decision.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The purpose of the CR is stated in SMC 23.60.220.C 3, is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. While the natural environment is not maintained in a pure state, the activities to be carried on provided minimal

adverse impact. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the shorelines.

Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities.

SMC 23.60.064.- Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project is a conditionally granted use in the CR Environment (SMC 23.60.365 C 1b). An evaluation of the criteria by which the project conforms to a conditional use in the CR environment is found in the Analysis of Conditional Use section of this decision.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must in part:

1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected;
2) control erosion during project construction and operation;
3) be located, designed, constructed, and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas, including but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes;
4) be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion;
5) be designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area;
6) be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization landfills, levees, dikes, groins, jetties, or substantial site regrades.

SMC 390 - Development Standards for the CR Environment

The development standard for the CR environment pertinent to this proposal are:

SMC 23.60.392 Natural area protection in the CR Environment

A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

SMC 23.60.396 Lot coverage in the CR Environment

A. Lot Coverage Regulations. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot located in the CR Environment except as modified by subsection B.

SMC 23.60.400 Regulated public access in the CR Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

The design of this project to meet the general development standards of Chapter 23.60 and the relevant development standards for the CR environment are as follows:

- Removal of existing piers that block juvenile salmon from migrating along the shoreline of Lake Washington because of the skirting that exists along the piers.
- Installation of new piers that are designed to allow juvenile fish migration along the nearshore by raising up the dock in the area immediately adjacent to the shore and by providing grating in all the decking material of the structures out to a distance of 48-ft from the shoreline to a depth of approximately 8-ft at ordinary high water.
- Replacement of the concrete boat ramp that is smaller and covers less of the substrate of the nearshore lake environment.
- Reduction in the number of piling from 92 to 62.
- Maintenance of rip rap that will be added to the site so that the interstitial spaces that exist in the rip rap will be filled with smaller material periodically and as needed, so that habitat for predator species of juvenile chinook is not created.
- Re-vegetation of 145 feet of the shoreline with native vegetation.
- Maintenance of the native vegetation that is planted along the shoreline to ensure 80 percent survival of vegetation after a period of five years from the time the vegetation is planted.

Table 1 is a table comparing the existing shoreline and habitat conditions to the proposed shoreline and habitat conditions.

Table 1. Pre- and Post Project Shoreline Features and Project Components

Shoreline feature/project component	Existing boat ramp facility	Proposed boat ramp facility
Overwater structures Fixed pier Ramp Float	720 square feet	 112 square feet – 50% for grating = 58 sf 560 square feet – 50% for grating = 280 sf 742 square feet – 72 sf for grating = 670 sf
TOTAL	720 square feet	1006 square feet
Fixed pier skirting	258 lineal feet	0 lineal feet
Piles	92	62
Cement boat ramp	6,400 square feet	4,310 square feet
Rip rap (volume)	0 cubic yards	60 cubic yards
Rip rap (area)	0 square feet	300 square feet
Native vegetated shoreline	~ 45 lineal feet	145 lineal feet

The benefits of the mitigation are as follows: Reduction of substrate cover will provide more habitat for aquatic insects, native vegetation along the shoreline will increase the allochthonous input to the lake, which will contribute to the food web within the lake. The new design will allow juvenile salmon to stay remain in shallow water during rearing and migrating through this portion of the lake, which will reduce the opportunity of predators to prey on the salmon. The reduction in number of piles will reduce substrate coverage and will reduce habitat for predator species of the salmon. This area of the Lake Washington is utilized by migrating juvenile chinook salmon and juvenile salmon rear in this portion of the lake. Impacts to the shoreline will be mitigated through measures discussed above. A vegetation monitoring plan has been. The purpose of the vegetation monitoring plan is to ensure eighty (80) percent survival of the terrestrial vegetation after a period of five years from the time the vegetation is planted.

The proposed redevelopment of the existing boat launch facility minimizes any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses.

C. The Provisions of Chapter 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

ANALYSIS - SHORELINE CONDITIONAL USE

Section 23.60.034 of the Seattle Municipal Code provides criteria for review of a shoreline conditional use and reads: *Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.*

WAC 173-27-160 explains the purpose of a conditional use permit and provides a system within the City's master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and local master program. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates that it meets the criteria set forth in WAC 173-27-160. Below is the evaluation of these criteria in relation to the proposed project.

1. **The proposed use is consistent with the policies of RCW 90.58.020 and the master program**. RCW 90.58.020 states in part, that in the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. The boat ramp along this shoreline was built before the enactment of the Shoreline Management Act, therefore was not originally reviewed for its impacts on the shoreline environment. The renovation of the boat ramp, which includes replacement of existing ramp and piers with the pier, ramp, and float structures, are designed to allow juvenile fish access to the shoreline, where the fish don't currently have access. They are also designed to allow ambient light to pass through the decking of the overwater structures. This will improve the migration route and rearing habitat for juvenile chinook. Additionally, vegetation will be planted along approximately 145-ft of shoreline. This vegetation will improve both the shoreline and aquatic environment by filtering stormwater from the parking lots and providing a source of allochthonous input (in the form of terrestrial insects, leaf litter and small woody debris) to the lake.

2. **The proposed use will not interfere with normal public use of the public shorelines**. The proposed use will not interfere with the normal public use of public shorelines because the site is currently used fro public boat launching, and the project proposed is identical, but allows for more efficient operation of the current activities.

3. **The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned in the area under the comprehensive plan and shoreline master program**. No changes in use are proposed. The proposal is to reconfigure the existing boat ramp and is a maintenance project necessary to improve the efficiency of the current use as a boat launching area for small motorized boats, which is a water dependent use. Use of the site as a boat launching facility within the Shoreline Master Program's Conservancy Recreation environment, whose purpose is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes is compatible because of the design of the project. While the natural environment is not maintained in a pure state, the activities to be carried out provide minimal adverse impact. Additionally the design of the new structures allows juvenile salmonids to use the nearshore lake area in contrast to the existing structures where the nearshore habitat is blocked by skirting around the existing piers. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the shorelines.

   Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities. The redesign of the piers, as stated above will allow juvenile fish, to access the shallow water in the nearshore environment of Lake Washington. Additionally, approximately 145-ft of shoreline will be planted with native vegetation. Both these measures allow this project to meet the purpose of Conservancy Recreation Environment.

4. **The proposed use will cause no significant adverse effects to the shoreline environment in which it is located**. The proposed design has been chosen to provide an improved condition for the aquatic environment at this site. The new piers are narrower at the shoreline and are raised in elevation to allow fish migration and rearing in this nearshore area of Lake Washington. There will be a slight decrease (4 square feet) in overwater coverage between existing and proposed projects and there will be a reduction of 1.790 square feet in substrate area that is covered. Additionally, the extensive shoreline vegetation that will be planted along approximately 145-ft of shoreline will improve the shoreline environment.

5. **The public interest suffers no substantial detrimental effect.** The proposal is for maintenance of an existing water dependent shoreline boat launch facility. No changes in existing uses or activities are proposed, and there will be no detrimental effect to the public interest.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development and the Shoreline Conditional Use are **CONDITIONALLY GRANTED**. Conditions are listed at the end of this report.

ANALYSIS - SEPA

Disclosure of the potential impacts from this project was made in the following documents the Environmental Checklist dated August 16, 2002, the Biological Evaluation dated July 8, 2002, the application for Shoreline Substantial Development Permits, Variances Special Uses and Conditional Uses, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to

control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The applicant's SEPA Checklist discloses that the proposed construction work will take place in and adjacent to the waters of Lake Washington. Additionally, construction material will be delivered by barge over-water. With the proposed work taking place in and adjacent to water and the delivery of construction material taking place over-water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) will be required to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A boom should be deployed around the construction area to contain any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected twice per day. This material should be contained on site and then disposed of at the appropriate upland facility. In-water construction activity will be restricted to July 16th through December 31st as outlined in the Biological Evaluation of August 2002 by Shapiro and Associates and approved by both the National Marine Fisheries Service and the Army Corp of Engineers.

Construction material and equipment pose some potential danger of water and near shore contamination and shoreline erosion. The contamination from spills could lead to both water quality and aquatic habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the shoreline environment, it is necessary to condition the project to require that prior to commencing construction an emergency containment plan and procedures be developed and all necessary equipment be stocked on the site. It is also warranted to require the use of BMPs to minimize erosion along the shoreline caused by storage and staging construction material in this area.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: a continued presence of piers and a boat ramp at this site. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and the required mitigation.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Washington including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to take place in Lake Washington which is part of the migration corridor and is rearing habitat of chinook salmon from the Cedar River and the other water bodies in Water Resource Inventory Area 8.

Clearly identified long-term impacts on juvenile chinook salmon and the aquatic environment include the continued existence of overwater coverage and substrate alteration at the site, and the continued use of the site as a motorized boat launching facility. Overwater coverage in the form of piers and associated structures reduce the amount and quality of natural habitat of juvenile chinook salmon and provides habitat for introduced predator species of juvenile chinook. Measures proposed by the project proponent to mitigate impacts to the ESA listed species and other aquatic wildlife [SEPA checklist 5(d)] include:

- Using grated material in the deck to allow for greater light penetration under the proposed fixed, ramp, and floating pier structures.
- Bridging the nearshore water with a narrower pier that is elevated off the surface of the water to allow juvenile chinook access to the shoreline for migration and rearing.
- Planting native vegetation along approximately 145-ft of shoreline.
- Monitoring juvenile chinook use of the project area.
- Maintaining the vegetation for a period of 5 years to ensure 80 percent survival of the vegetation planted.
- Monitoring the rip rap at the site for stability and for voids in the interstitial spaces.

Each of these measures is believed to improve habitat conditions for chinook salmon and other juvenile salmonids that utilize the site. Collectively these measures are believed to help eliminate dark areas under the piers and increase the availability of nearshore habitat for migration and rearing, which will allow the juvenile salmon to remain in the shallow water during their migration and reduce the juvenile chinooks' vulnerability to predation in the lake environment. Additionally, the shoreline native vegetation will increase the complexity of the shoreline habitat, which will provide allochthonous material including insects and detritus to the aquatic environment providing food for juvenile salmonids and nutrients for other aquatic organisms.

CONDITIONS – SEPA and Shorelines

SEPA and Shoreline –Prior to Issuance of a Construction Permit

1. An emergency containment plan and procedures shall be developed. This plan shall include the provision that all necessary equipment necessary for containment and clean-up of toxic material shall be stocked on the site prior to commencement of construction. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.

2. The prepared Environmental Monitoring Plan including the Vegetation Monitoring that has been prepared shall be included in the building permit submittal plan set.

3. The owner(s) and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the general requirements of the Seattle Shoreline Master Program (SSMP 23.60.152), including the requirements set forth in conditions of the MUP.

SEPA and Shoreline -Project Conditions

4. Best Management Practices shall be employed during the proposed in-water work as necessary to keep debris and deleterious material out of the water.

5. One hundred forty five (145) lineal feet of the adjacent shoreline will be enhanced with native vegetation. This enhancement will include removal for non-native vegetation and the planting terrestrial native vegetation along the shoreline and a monitoring plan for this vegetation that will ensure 80% survival of the vegetation planted in this area. The non-native vegetation shall be removed manually, and no herbicides, pesticides or chemical fertilizers can be used to remove this vegetation.

6. The Environmental Monitoring Plan that includes vegetation, rip rap and site monitoring shall be followed. This plan ensures eighty (80) percent or greater survival of the vegetation planted and will ensure that nonnative vegetation is eliminated in the riparian area.

7. Remove all existing structures.

8. Timber piles shall be completely removed. The piles that cannot be removed shall be cutoff at the mudline.

9. Remove any debris and concrete rubble from the shallow water area of the site;

10. Maintain the shallow water and nearshore area clear of debris both during construction and for the life of the project (i.e. during normal business operations).

11. No treated decking material shall be used.

SEPA and Shoreline - Construction Conditions

The following conditions(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. Construction activity will be restricted to December 31st through July 14th.

2. Appropriate best management practices (BMPs) shall be employed to prevent material from entering Lake Washington during the proposed in- and adjacent to water work. BMPs shall include the deployment of a boom surrounding the construction area. The boom shall remain in place for the duration of the proposed work. Additionally, a silt curtain shall be placed around the perimeter of the in-water work to contain turbid water that is a created by the in-water work. This silt curtain shall remain in place until the turbidity of the contained water is equal to the surrounding water.

    a. The boom shall serve to collect any floating debris, which may enter the water during the proposed activities. This floating debris shall be removed from the water twice per day, stored on-site, and then disposed of in the appropriate upland facility.
    b. If heavy (sinking) debris enters the water during the repair work the location of the debris shall be documented in a log that is kept through the duration of the project. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during construction.

3. Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed repair work. Spill prevention and response plan and material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.

Signature: _____ Date: March 29, 2004
Margaret M. Glowacki, Fisheries Biologist/Salmon Planner
Department of Planning and Development
Land Use Services

MMG:bg

Glowacm/DOC/Projects/2206134-Seward Park/2206134_Decision.doc